

REMARKS

Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments, and the discussion that follows. Claims 1-20 are pending in this application. Claim 2 has been amended herein. Claims 1-4, 6, 8-13, and 15-19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,978,247 to Bogart et al. ("Bogart") in view of U.S. Pat. No. 6,820,133 to Grove, et al. ("Grove"). Claims 5, 7, 14 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Bogart and Grove in view of Sonesh, et al. ("Sonesh") (U.S. Patent No. 6,046,762). After a careful review of the claims as amended, it is believed that the claims are in allowable form and a Notice of Allowance is respectfully requested.

Claims 1-4, 6, 8-13, and 15-19 have been rejected as being obvious over Bogart and Grove. Bogart is directed to a multi media customer care center divided into three separate application layers. However, Bogart does not describe a bandwidth manager, estimating a bandwidth requirement, or selecting a media handler based upon the lowest bandwidth load. The Office Action cites passages at Col 1, Line 54-Col 2, line 36 and Col 9, lines 22-59 as describing a bandwidth manager. However, these passages do not describe a bandwidth manager but merely generally describe the various application layers. The passage quoted in the Office Action, ("the communication layer comprises software for managing communications each comprising one or more contacts in one or more media"), does not teach or even mention a bandwidth manager in either hardware or software form. The independent claims 1, 8 and 15 claim a bandwidth manager that estimates a bandwidth requirement of the customer contact and uses it in selecting the media handler based upon a lowest bandwidth load (Claim 1) or the estimated bandwidth requirement (Claims 8 and 15).


The Office Action concedes that estimating a bandwidth requirement and selecting a media handler based thereon is not disclosed by Bogart, but asserts that it is disclosed by Grove. Grove discloses a system for increasing performance of traffic over the internet by using specialized nodes dispersed at two or more locations around the internet able to communicate with one another. Grove, however, while concerned with a combination of bandwidth and other factors for selection of nodes of the channels of the communication network, also does not disclose a bandwidth manager, estimating a bandwidth requirement of the customer contacts or selecting a media handler based upon lowest bandwidth load or estimated bandwidth requirement. Rather, Grove is concerned with optimizing the communication channel or link by choosing nodes in the communication network to form the communications path. Further, Grove's bandwidth manager does not estimate a bandwidth requirement of the customer contact but only discloses optimization of performance for the link from source to destination (Col. 6, lines 3-7). This does not teach estimating the bandwidth requirement of the customer contact. Further, Grove does not disclose selecting a media handler based upon bandwidth limits or the lowest bandwidth load. Instead, it merely determines whether the channel is optimized. Further, selection is selection of a set of nodes within the communication channel. This does not constitute estimating the bandwidth requirement of the contact, or selection of a media handler from a plurality of media handlers, nor is it based upon media handler bandwidth availability or lowest media handler bandwidth load. The cited passage of Grove at Col. 6, lines 15-25 merely describes optimizing a measure of communication performance of the communication channel broadly taking into account numerous factors including bandwidth capacity of the channel (but not estimated bandwidth of the contact, and not selection of a media handler). Similarly, Col. 15, line 64 to Col. 17, line 24 merely describes a mapping device which can estimate bandwidth to a node along a specific path to determine an efficient path between nodes (C-nodes and S-nodes)

within the internet, or estimate average communication time between a client and a C-node to choose a C-node that will give the lowest estimated average communication time. This is not, however, the equivalent of bandwidth load of the media handler. The media handler is at the source, it is not a node within the communication channel, and average communication time is clearly not the bandwidth requirement of the contact, nor would an average permit selecting a media handler based upon the lowest media handler bandwidth load. The selection of an intermediate node based on average time for each of the paths as described in Grove is nothing like the selection of a media handler based upon the bandwidth load of the media handler nor is it an estimation of the bandwidth requirement of the contact. Thus, these features are not disclosed by Bogart or Grove, or any other reference of record. Therefore, all independent claims 1, 8 and 15 are believed to distinguish over any combination of Bogart, Grove and Sonesh as are claims 2-7, 9-14 and 16-20 which are dependent upon allowable independent claims 1, 8 and 15.

Claim 2 has been amended to recite lowering the bandwidth requirement to enable selection if sufficient bandwidth is not available (see e.g., 24, lines 17-20). This feature is also not believed to be disclosed by the cited references and therefore Claim 2 is believed to be further distinguishable over the references.

As discussed above, claims 1-20 are in allowable form and are not anticipated or rendered obvious by any combination of the cited references. Therefore, allowance of all pending claims 1-20 is believed to be in order and such action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

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